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REMARKS

Claims 1, 2, 8, 9, 10, 15, 17, 20, 21, and 22 have been amended in order to further define the invention, no new matter has been added. Support for the claim amendments is clearly set forth in the specification for example on Page 8, lines 7 through Page 9, line 22 as well as Page 17, line 19 through Page 23, line 24. See especially FIGS. 6 through 11B.

It is respectfully submitted that the cited references are non-analogous art and deal with different problems when compared to the problem encountered in the present invention, wherein is indicated that there is a problem that only a specific truck having a container retrieving mechanism with a minimum hook or other element height can engage a container with a specific hook or receiving support or connector member height. The present invention addresses the non-adjustability of various prior art references. To the contrary, the Freedman, Burleigh, and Miller references all relate to various configurations of infant car seats and one of ordinary skill in the art would not be lead to search such art, much less modify such art in order to arrive at Applicant's claimed attachment apparatus and container including attachment apparatus to solve the problem encountered in the discovery of the present invention.

The Federal Circuit has stated that it is not proper to combine non-analogous prior art. For example, the Federal Circuit has stated:

The combination of elements from non-analogous sources, in a manner that reconstructs the applicant's invention only with the benefit of hindsight, is insufficient to present a prima facie case of obviousness. There must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge cannot come from the applicant's invention itself. . . In re Oetiker, 977 F.2d 1443, 24 USPQ 2d at 1446 (Fed. Cir. 1992).

Nothing in the references, alone or together, suggest the claimed invention as a solution to the problem of providing an attachment apparatus with a slotted track to allow adjustment of a connector member to a plurality of heights so that a single

container can be carried by any of a number of different trucks having different minimum hook heights, as explained in Applicant's specification.

Claims 1, 2, 8, 10, 12, and 15 have been rejected under 35 U.S.C. 102(b) as being anticipated by Freedman et al., US Patent 6,398,302. Claims 3-7, 9, 13, 14, and 16 are rejected under 35. U.S.C. 103(a) as being unpatentable over Freedman et al. Claims 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al. in view of Burleigh et al, US Patent 4,790,601. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman et al in view of Miller, US Patent 4,813,739.

It is respectfully submitted that the Freedman reference cannot anticipate nor teach or suggest the present invention as claimed in at least independent claim 1 for the following reasons. First, page 2 of the Office Action under Item 3 states that Freedman discloses "wherein each arm slot is connected to the height adjustment slot so that the connector member is movable between the height adjustment and each arm slot wherein each arm slot terminates at an end portion within the guide rail." However, independent claim 1 contains different language and specifically states that the slotted track has a height adjustment slot having a slot length and at least two arm slots connecting to and extending outwardly a predetermined distance away from the height adjustment slot and away from the rear edge of the guide member. This is an important feature of the present invention. As clearly illustrated in FIG. 6 rear edge of guide members 154 and 156 are connected to a container and the at least two arm slots are connected to and extend outwardly a predetermined distance away from the height adjustment slot and away from the rear edge of the guide member as claimed. Accordingly, when the hook of a hook truck such as shown in FIG. 5, captures the connector member 170 for loading, the connector member is pulled forward, away from the rear edge of the guide member and is maintained in the arm slot for loading at a predetermined height according to the hook truck configuration.

With respect to Freedman, the Freedman arrangement is backwards and contrary to Applicant's claims. Freedman's guide rails 6 are attached by their front edge, i.e. the outwardly facing edge, to a plate 5 which is in turn connected to top seat portion 1 which can only be considered a front wall of the Freedman "container". Freedman does not teach the claimed at least two arm slots connected to and extending outwardly a predetermined distance away from the height adjustment slot, but extend inwardly a predetermined distance from the height adjustment slot towards the center of the child's seat. The Freedman arm slots also extend toward the rear edge of the guide member. The Freedman arrangement would have disastrous results when utilized, as a hook engaging the connector member from the left side as shown in FIG. 2 would pull the connector member out from the arm slot, allowing the "container" or baby seat to slide downward until the top edge of the slotted track stops the fall of the seat. Only hindsight motivation can be utilized to impermissibly modify the Freedman reference.

Moreover, as illustrated in FIG. 6, 7, 8, 10, 11A and 11B, the connector member of the invention has end elements connected to each end of the connector member at a location outside of the at least two guide rails, see especially FIGS. 6 and 10 and Page 21, first full paragraph for support. The end stops prevent the connector, which extends through each of the guide rails, from being disengaged therefrom. The end elements are removable or permanent, such as shown in FIGS. 11A and 11B. To the contrary, Freedman connector member 4 merely shows a bar with no end elements which can be easily dislodged from the Freedman guide rails. Applicant's end elements are connected to the outside of the at least two guide rails in order to prevent interference with the hook or attachment of the container retrieving hoist mechanism of the transport vehicle and cannot be anticipated nor taught or suggested by Freedman.

The Miller reference cannot add any further teaching or suggestion that would render the present invention obvious. Miller teaches rod members 16 and 18 which do not, as claimed, extend through the slotted track in each of the guide rails extending between and through each of the guide rails. Furthermore, the end elements 24 are not connected to each end of the connector member at a location outside of the at least two guide rails, as explained hereinabove and claimed in independent claim 1. Furthermore, the slotted track configuration taught by Miller is akin to the arrangement taught by Freedman and is backwards and dangerous. The Miller rear edge of the apparatus connected to the "container", the car seat 14, contrary to the language set forth in independent claim 1 has two arm slots connected to and extending inwardly a predetermined distance and towards the rear edge of the guide member instead of extending outwardly and away from the rear edge of the guide member as claimed. Only hindsight motivation can be used to modify the Miller reference.

Dependent claims 8 and 9 specifically claim that the guide member rear edge is connected to a front wall of the container and the container is further defined within the claims and cannot be anticipated nor taught or suggested by the references. It is furthermore claimed that the height adjustment slot is located between the at least two arm adjustment slots and the front wall of the container as clearly illustrated in FIGS. 6, 7, and 10. The Freedman container, which must be considered the child seat 1 and 2 is not one of the claimed containers, and further illustrates the differences between the backward arrangement taught by Freedman as the Freedman arm slots do not, as claimed, extend outwardly a predetermined distance from the height adjustment slot and away from the rear edge of the guide member which is connected to the container. This difference is further illustrated by the additional limitation set forth in claims 8 and 9 wherein the height adjustment slot is located between the at least two arm adjustment slots and the front wall of the container, contrary to the embodiments of Freedman. The

Miller reference is arranged similarly to the Freedman reference and also cannot anticipate or teach or suggest claims 8 and 9.

Regarding claim 10, it is directed to a transportable container including an attachment apparatus. The claim specifically calls for a container body comprising two side walls connected to the front wall and a rear wall connected to the sidewalls, the walls defining a filling area, a base and a front upright section attached to the base, the container including an area adapted to hold materials and transported by a transport vehicle utilizing the attachment apparatus. In each of the Freedman and Miller references, the "container" can only be the infant or child car seat shown.

Independent claim 10 specifically states that at least two arm slots of the slotted track are located further away from the container than the height adjustment slot and extend a predetermined distance away from the height adjustment slot toward a front edge of the guide member and away from the container. The claimed arrangement is directly contrary to the Freedman and Miller teachings which show that the height adjustment slot is located towards the front edge of the guide rail.

Neither Freedman nor Miller can teach as claimed in independent claim 10 wherein each arm slot terminates in an end portion within the guide rail towards the front edge of the guide rail. Instead Freedman and Miller only teach arm slots terminating towards a rear edge of the guide rail and towards the container. Accordingly, Freedman and Miller cannot anticipate the claimed container and attachment apparatus, and actually teach away therefrom.

Independent claim 15 contains limitations regarding the arrangement of the arm slots in relation to the vertical adjustment slot and the front and rear edges of the guide member similar to that set forth in independent claim 1 and likewise cannot be anticipated nor taught or suggested by either the Freedman or Miller references or a combination thereof. It is further claimed that the end stops on the

connector member are further claimed and also cannot be taught or suggested by Freedman or Miller.


Likewise, dependent claim 20 claims the container itself having the attachment apparatus connected thereto and cannot be anticipated nor taught or suggested by the cited references.

The Burleigh reference does not even teach an attachment apparatus and one of ordinary skill in the art would not be led to combine the Freedman and Burleigh references absent impermissible hindsight.

Accordingly, it is believed that all claims are in condition for allowance and a Notice of such is earnestly solicited. Should the Examiner have any questions or concerns regarding this response, a telephone call to the undersigned would be greatly appreciated.

Respectfully submitted,

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